

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JERIEL ALEXANDER,

Plaintiff,

-against-

J.P. MORGAN CHASE BANK N.A.,

Defendant.

19-CV-10811 (CM)

ORDER OF DISMISSAL

COLLEEN McMAHON, Chief United States District Judge:

Plaintiff brings this *pro se* action and seeks leave to proceed without prepayment of fees, that is, *in forma pauperis* (IFP). On November 22, 2019, the Court directed Plaintiff to submit an amended IFP application because, on his initial application, he indicated that he is unemployed and has no resources, expenses, or debts, but he failed to explain how he pays for his living expenses. Plaintiff submitted an amended IFP application on November 27, 2019, that was virtually identical to the original one. In it, Plaintiff asserted that he earned \$600 per month when he last worked in December 2018, but he answered all remaining questions with either a “No,” or a “0.” (ECF 1:19-CV-10811, 5.)

By order dated December 26, 2019, the Court informed Plaintiff that his amended IFP application was inadequate, and gave him one final opportunity to submit an amended IFP application that explained how he supports himself and that established his inability to pay the filing fees. On January 13, 2019, Plaintiff submitted an amended IFP application. Once again, it is virtually identical to the first two IFP applications. The only difference is that when asked to explain how he pays his expenses, Plaintiff writes, “None. No expense at moment.”

In the orders dated November 27, 2019, and December 26, 2019, the Court directed Plaintiff to provide information explaining how he supports himself and establishing that he is

unable to pay the filing fee, and warned Plaintiff that if he failed to comply with those orders, the action would be dismissed without prejudice. The action is dismissed without prejudice for the reasons set forth in those orders.

CONCLUSION

The Clerk of Court is directed to mail a copy of this order to Plaintiff and note service on the docket. The complaint is dismissed without prejudice for failure to comply with the Court's orders. If Plaintiff wishes to proceed with this matter, he must pay the \$400.00 in fees within thirty days from the date of this order. If Plaintiff fails to pay the filing fee within 30 days, the Court will enter a civil judgment.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *Cf. Coppededge v. United States*, 369 U.S. 438, 444–45 (1962) (holding that appellant demonstrates good faith when seeking review of a nonfrivolous issue).

SO ORDERED.

Dated: January 21, 2020
New York, New York



COLLEEN McMAHON
Chief United States District Judge